KHUMS



AN ISLAMIC TAX

Sayyid Muhammad Rizvi

Beliefs & Practices

Khums (The Islamic Tax)

Sayyid Muhammad Rizvi

Bis mil lahir Rahmanir Rahim

Preface

Since khums is an issue with which a Shi`ah Muslim is faced at least once in a year, the need for a simple and, at the same time, comprehensive book on this subject has been felt in our community since a long time. And therefore, when this booklet was published in 1984 in Vancouver, it was, *al-hamdu lil-lah*, very well received.

In 1990, I revised and expanded the previous editions. A few pages were added dealing with the verse of khums (in Chapter One), and also the usage of khums during the days of the Prophet and the Imams of Ahlu 'l-bayt (in Chapter Four). These additions will give the reader a brief look into the history of khums. Obviously, the size and purpose of the booklet did not allow me to deal with this aspect of khums comprehensively. A chapter has also been added at the end to express my thoughts about some of the moral and "political" sides of khums.

Finally, some practical issues related to khums were also added in Chapter Two for those who live in the West.

I hope this edition proves more useful to the members of our community.

Wa ma tawfiqi illa bi 'l-lah.

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AN INTRODUCTION TO THE ISLAMIC ECONOMIC

SYSTEM

A. THE MIDDLE PATH

Islam is a complete way of life. It is not only concerned with the spiritual upliftment of human beings, it is equally concerned about their material and physical well-being. Islam guides its followers in financial and economic matters, in social and political affairs, and also in moral and personal spheres of human life.

As khums is an important pillar of the Islamic economic system, it is appropriate to briefly describe the system itself. However, one must always remember that the Islamic economic system is not in itself complete; it is a part of the over-all system of life. Islam is a compact system of life in which all its aspects (religious, ideological, social, political and ethical) are well synchronized. Muslims will succeed only if they put the whole system into work, and not just choose and pick from it according to their likes and dislikes.

Anyhow, for this booklet, the simplest way to describe the Islamic economic system is by highlighting its differences with capitalism and communism.

Capitalism is an economic doctrine based on the idea of private ownership of the means of production and distribution. It is a system in which the capitalist is given a free hand; and government does not regulate anything for the benefit of the workers. For example, there is no minimum or fair wage. Everything is left on the principle of supply and demand. The rich get richer and the poor get poorer. Poverty is equated to idleness; personal shortcomings are considered the chief cause of poverty. Hence, in its ideal system, capitalism has no room for compassion and benevolence towards the poor and the needy.(A prominent example in our time of such a thinking was the U. S. President Ronald Reagan. Patti Davis, Reagan's daughter, blamed her father's policies for fostering homelessness in the United States; she ridiculed her father's anecdotes about "welfare cheats" and his view that people are "homeless by choice." See *Globe & Mail,* September 21, 1990.) A similar mentality also existed among some aristocrats of Mecca. The Qur'an says, "When it is said to them, 'Give charity from what God has given to you,' the unbelievers say to the believers, *'Should we feed the person whom God, if He wished, could feed?'"(36:47)*

It was to remedy this situation that some thinkers of the West promoted the ideas of communism. The economic doctrine of communism is based on the idea of centralized public ownership of the means of production and distribution. The communists went to the other extreme and completely denied the concept of private ownership. Communism was a reaction to the vices of capitalism; but a reaction which tried to completely suppers a concept ingrained in us by nature, that is, private ownership. Naturally, as soon as the masses were given political freedom, they rebelled against communism. The collapse of this system in Soviet Union and Eastern Europe is a living testimony to this fact.

Although communism has failed, it had quite an impact on the economic policies of many countries. Quite a few Western capitalist countries, to prevent the spread of communism, modified their economic system and created what is now known as welfare states. A welfare state allows provisions to prevent exploitation of the workers and to provide for the basic needs of each citizen.

Islam is "a straight path;" and naturally, its economic system is based on very balanced standards. Islam, in contrary to communism, recognises the concept of private ownership. But, in contrary to capitalism, Islam has limited the means of acquiring wealth to prevent the excessive accumulation of wealth in a minor quarter of the society.

The Islamic economic system is based upon the belief that only Allah is the real and actual owner of everything. But God has also implanted the concept of ownership in our nature; and thus, we are allowed to "own" the wealth of this world. The Qur'an says, *"Whatever is in the heavens and the earth belongs to Allah." (2:284)* Allah is the owner of the whole universe. It is in this capacity that He has allowed us to own the blessings of this world by saying, *"He has created for you whatever that is in the earth."(2:29)*

However, Islam also wants to prevent the excessive accumulation of wealth in the hands of a few people so the society may not fall into two classes: one is overstuffing, while the other is starving. The chance of such a situation is very real. A look at one of the richest nation in the world, the United States of America, and its problem of the poor, hungry and homeless people will bear us out. The Qur'an justifies the concept of tax by saying,*"...so that (the wealth) may not become a monopoly of the rich among you." (59:7)*

In the early period of the Islamic history, such a situation actually occurred. When `Uthman bin `Affan became caliph, he handled the public wealth in such a manner that within a short time, his tribe, the Umayyads, became the richest people in the Muslim empire. Imam `Ali bin Abi Talib, in a famous sermon, explains the reasons why he was reluctant to accept the caliphate after `Uthman's murder. The Imam says, "Had it not been for the pledge of Allah with the learned people that they should not be indifferent to the gluttony of the oppressor and the hunger of the oppressed, I would have cast the rein of caliphate on its shoulders..."(Sayyid ar-Razi, *Nahju 'l-Balaghah*, sermon No. 3.) Top in the list of priorities of Imam `Ali's caliphate was the re-establishment of social justice in the Muslim community. And it is this same agenda which created strong opposition to `Ali among those who were used to special privileges during the previous caliphate.

Islam does not only teach equality of the Muslims in the eyes of Allah, but it also promotes equality in economic sphere. However, "equality" in Islam does not mean "similarity". Islam aims to elevate all its followers to the level of *ghina* -- being free from want. It is this equality which Islam strives for in its economic system.

B. THE ECONOMIC EQUALITY

To bring about this equality in the economic condition of the people, Islam has introduced various methods. An important method is the transferring of the excess wealth from the fortunate sector of the society to its less fortunate members. This is done on two different levels: on individual level and on collective level.

On Individual Level: The economic equality is pursued through the moral and ethical teachings of charity. In Arabic, this is known as *sadaqah* and *infaq*. There are many verses in the Qur'an which command the Muslims to help others voluntarily. There are more verses dealing with voluntary charity than the obligatory dues. Every one is morally obliged to help others according to his or her own means and resources.

First level of charity:

They ask you (O Muhammad) as to what they should spend (in way of charity). Say, "Whatever can be spared (from your wealth after your own expenses)." (2:219)

Second level of charity:

...The pious (are) those who...spend (in charity) from whatever We have given to them. (2:3)

Third level of charity:

The pious people (are) those who spend (benevolently) in good and bad days. (3:134)

In all these levels, one must remember to follow the path of moderation: *neither keep your hand shackled to your neck (out of greed), nor outspread it completely open -- otherwise you will sit reproached and denuded. (17:29)*

Someone asked Imam Ja`far as-Sadiq about a group of people who are prosperous while their Muslim brothers are in severe need. Is it right for the rich people to eat and drink satisfactorily while their brothers are hungry, specially during the difficult days? The Imam said, "Surely a Muslim is brother of a Muslim; he does not oppress his brother, neither abandons him nor deprives him. The Muslims are obliged to work hard for their brother, to relate to him, to help him, and to be charitable towards the needy people."(Hasan b. Hasan al-Hurr al-`Amili, *Wasa'ilu 'sh-Shi`ah*, vol. 11 (Beirut: Dar Ihya'i 't-Turathi 'l-`Arabi, 1391 AH) p. 597.)

On Collective Level: The economic equality is guaranteed through the obligatory taxes on the excess wealth of every Muslim. In an ideal Islamic society, the Islamic government is responsible for enforcing the laws of Islamic taxes like *khums*, *zakat, fitrah, khiraj*, etc. For example, while explaining the role of an Imam in his capacity as a leader, Imam Musa al-Kazim says, "Imam is the heir of a person who has no heir, and he is the provider of a person who has no provider."(Muhammad b. Ya`qub al-Kulayni, *al-Usulu 'l-Kafi*, vol. 1 (Tehran: Daru 'l-Kutubi 'l-Islamiyya, 1388 AH) p. 542.)

This economic security is to be extended to all the subjects of an Islamic state, even if they are non-Muslims. Once Imam `Ali passed by an old man who was begging on the side of the road. The Imam asked, "What is this?" The people said, "O Amiru 'l-mu'minin, he is a Christian." The Imam said, "You have used him until he became old and is unable (to work any longer), and then you have deprived him (of his basic needs)!! Provide for him from the public treasury."(Al-`Amili, *Wasa'il*, vol. 11, p. 49.)

In short, Islam aims at eliminating the "need" *(hajat),* and elevating the needy people to the level of being "free from want" *(ghani).*

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In this booklet, we talk about just one aspect of the Islamic economic system known as *khums*. *Khums* is one of the obligatory taxes imposed by Islam upon its followers. The reason why we are discussing *khums* and not *zakat*, is because the latter rarely applies to the Shi`ah Muslims in Europe and North America. (Zakat, according to Shi`ah laws, is obligatory on nine items only: on gold and silver coins; on camels, cows and sheep; on wheat, barley, dates and raisins). Whereas *khums* applies to most Muslims.

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Chapter One
KHUMS IN THE QUR'AN & HISTORY

"Khums" literally means "one-fifth or 20%". In Islamic legal terminology, it means "one-fifth of certain items which a person acquires as wealth, and which must be paid as an Islamic tax". The Qur'an mentions it in the following verse:

Know that whatever of a thing you acquire, a fifth of it is for Allah, for the Messenger, for the near relative, and the orphans, the needy, and the wayfarer...(8:41)

In this verse, the word "ghanimtum" has been used which has been translated as "you acquire". As explained above, it means "certain items which a person acquires as wealth." What are these certain items? According to the *ahadith* of the Imams of Ahlu 'l-bayt, the items which are eligible for khums are seven:

1. the profit or the surplus of the income.
2. the legitimate wealth which is mixed with some illegitimate wealth.
3. mines and minerals.
4. the precious stones obtained from sea by diving.
5. treasures.
6. the land which a *dhimmi* kafir buys from a Muslim.
7. the spoils of war.

However, there are some people who interpret the word *"ghanimtum"* as "whatever of a thing you acquire as spoils of war," thus confining the obligation of khums to the spoils of war only. This interpretation is based on ignorance of the Arabic language, the history of khums, the Islamic laws and of the interpretation of the Qur'an. To make this point crystal clear, I would like to quote the following arguments from my father, `Allamah Sayyid Saeed Akhtar Rizvi. In reading the following paragraphs, remember that the word *ghanimtum* has been derived from *al-ghanimah*.

"The Meaning of Ghanimtum: The famous Arabic dictionary of *al-Munjid* (by Father Louis Ma`luf of Beirut) says, *al-ghanim* and *al-ghanimah* means: (a) What is taken from the fighting enemies by force. (b) All earnings generally...Furthermore, the saying *al-ghunm bi 'l-ghurm* means that the profit stands against expenses, i.e., as the owner is the sole proprietor of the profit and nobody shares it with him, therefore only he bears all the expenses and risk.'(See the entry under G-N-M; in the 28th edition of *al-Munjid* (Beirut: Dar el-Machreq, 1986) it is on p. 561. Also see other famous dictionaries like *Lisan al-`Arab* and *al-Qamus*.) This implies that in Arabic language *al-ghanimah* has two meanings: one the spoils of war, and the other 'profit'. The above quoted proverb also proves that 'profit' is not uncommon meaning. When a word in the Qur'an can be interpreted in more than one way, it is incumbent upon the Muslims to seek guidance from the Prophet and the Ahlu 'l-bayt. Otherwise, they would be guilty of *tafsir bi 'r-ra'iy* (interpreting the Qur'an according to one's own personal views); and this is a sin which pushes the sinner into *jahannam.*

"The History of Khums: Khums is one of those things which were introduced by `Abdu 'l-Muttalib, the grandfather of the Prophet, and continued in Islam. Acting upon a command of God given to him in dream, when `Abdu 'l-Muttalib rediscovered the well of Zamzam, he found in it many valuable things which were buried in it in very remote past by the Ismailites when they feared that their enemies would usurp them. When `Abdu 'l-Muttalib found that buried treasure, he gave away its one-fifth (literally, *khums*) in the way of God and kept the remaining four-fifth to himself. Then it became a custom in his family; and after the hijrah of the Prophet, the same system was incorporated in Islam. Thus the first khums was not given from the 'spoils of war', but from a buried treasure (which is one of the seven items eligible for khums.)

"The Islamic Laws: Not a single sect of Islam confines the meaning of ghanimah to the 'spoils of war'. In addition to the 'spoils of war' the following items are subject to khums: (a) Minerals: eligible for khums in

Shi`ah and Hanafi sects. (b) Buried treasure: eligible for khums in all Muslim sects (that is, Shi`ah, Hanafi, Maliki, Hanbali and Shafi`iy).

"The Interpretation of the Qur'an: As mentioned earlier, the interpretation of the Qur'an must be based on the teachings of the Ahlu 'l-bayt. The word ghanimah in the verse under discussion has clearly been interpreted as *'al-fa'idatu 'l-muktasabah* -- the earned profit' by our Imams.

"To conclude, we can say that the word ghanima was never treated as being confined to the 'spoils of war' by any sect of Islam; and as far as our Imams are concerned, it meant many things besides the spoils of war right from the day of Imam `Ali (peace be upon him), as the authentic traditions show." (Rizvi, S.S.A., *Your Questions Answered*, vol. 1 (Dar-es-salaam: Bilal Muslim Mission, 1973) p. 44-46.)

What has been quoted above can also be substantiated from the practice of the Prophet of Islam himself. For example, when the Prophet sent `Amr bin Hazm to Yemen, he wrote instructions for him in which, among other things, he says, "...to gather the khums of Allah from the gains [of Yemenis]." (Ibn Khaldun, *Ta'rikh*, vol. 2, part II (Beirut: al-A`lami, 1971) p. 54; Ibn Kathir, *al-Bidayah wa 'n-Nihayah*, vol. 5 (Beirut: al-Ma`arif, 1966) pp. 76-77; Ibn Hisham, *Sirah*, vol. 4 (Beirut: Daru 'l-Jayl, 1975) p. 179.) And when the tribe of Bani Kilal of Yemen sent its khums to the Prophet, the latter acknowledges it by saying, "Your messenger has returned and you have paid the khums of Allah from the gains (*al-ghana'im*)." (Abu `Ubayd, *al-Amwal* (Beirut: Mu'assah Nasir, 1981) p. 13; al-Hakim, *Mustadrak*, vol. 1 (Hyderabad: `Uthmaniyyya Press, 1340 AH) p. 395. For more references, see Ja`far Murtada al-`Amili, *al-Sah¡h fi Sirati 'n-Nabi*, vol. 3 (Qum: n.p, 1983) p. 309.) It is interesting to note that the Bani Kilal obeyed the Prophet's order and sent the khums of its gains to him while no war had taken place between the Muslims of Yemen and the unbelievers. This is a clear indication that khums was not restricted by the Prophet to the spoils of war.

The importance given by the Prophet to the issue of khums can also be seen in his advice to the delegation of Bani `Abdu 'l-Qays. It seems that Bani `Abdu 'l-Qays (which was a branch of Rabi`ah) was not a very strong tribe. Moreover, in order to travel to Medina, they had to cross an area inhabited by the Muzar tribe which was against the Muslims. Consequently, the Bani `Abdu 'l-Qays could not travel safely to Medina except during the months in which war-fare was forbidden according to the Arab custom.

Once a delegation from Bani `Abdu 'l-Qays came to Medina and said to the Prophet, "We cannot come to you except in the *haram* months [when war-fare is forbidden], and there are between us and you the unbelievers of Muzar. Therefore, please give us some advice that we may give to those whom we have left behind and that we may enter the Paradise [by acting on it ourselves]." The Prophet advised them to believe in One God, establish prayer, pay zakat, fast in the month of Ramadhan, and "to pay khums (one-fifth) of whatever you gain." (Bukhari, *Sahihu 'l-Bukhari*, vol. 4 (Beirut: Daru 'l-`Arabiyyah, n.d.) p. 213; Abu `Ubayd, *al-Amwal*, p. 13. This has also been recorded by other Sunni sources of hadith like *Sahih Muslim*, *Sunan Nisa'i*, *Musnad of Ahmad bin Hanbal*, and *Sunan* of Tirmidhi.) The circumstances of the Bani `Abdu 'l-Qays -- they were weak and small in numbers, and were thus prevented from traveling safely to Medina -- leaves no room for interpreting the application of khums in the above hadith on spoils of war exclusively.

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Khums is wajib on seven items; but in this book we will discuss only two items: (1) the profit or surplus of the income, and (2) legitimate wealth which is mixed with some illegitimate wealth. The reason for being selective in this discussion is that the other items eligible for khums (for example, mines and minerals, precious stones and treasure) are not common to all people and, therefore, I decided not to burden the readers which details about those items. Anyone who wants more information on rules of those items can contact the religious scholar in his or her local area or write to us.

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Chapter Two
KHUMS ON THE SURPLUS OR PROFIT OF THE INCOME

A. WHEN TO PAY KHUMS

Khums becomes wajib at the beginning of the new financial year on the profit or surplus of the past year's income.

BEGINNING: The "beginning" of a new year means the time when the profit or surplus of the income becomes clear. So whenever there is profit or surplus of the income, and it is not used up on the household or

commercial expenses of that year-- then pay one-fifth of it as khums.

YEAR: The consideration of the "year" in khums is because in most cases the surplus of the income becomes clear at the end of the year. Otherwise, the khums is actually associated with the profit or the surplus of the income as soon as it is known, and the owner may pay the khums before the end of the year.

HIJRAH OR CHRISTIAN CALENDAR: Of course, one is allowed to fix any day of the year (or for that matter, the beginning of a fiscal year according to the Christian calendar) as the "beginning" of his year. Then he may every year count the surplus of his income on that day and pay khums. It is always easier to count from the day one starts earning.

B. DEFINITIONS OF INCOME, PROFIT & SURPLUS

Khums is wajib on the profit or surplus of one's income after deducting the annual expenditure. To make the meaning of this sentence more clear, let me explain the definition of "income," "surplus" and "expenditure".

INCOME: Income means whatever you earn from business, wage or salary, dividend income, or by other means of possession recognized by the *shari`ah*.

Is khums also wajib on **gift, prize, legacy, charity, zakat and khums?** According to most present mujtahids, it is precautionarily *wajib* to pay khums from such items also.

By "legacy" we mean anything bequeathed to a person in the will of a friend or of someone not related to him.

However, the khums is not liable on **dowry** or **inheritance** except when one inherits from the least expected person; for example, a very remote relative from whom one does not expect to inherit.

By "dowry" *(mahr)* we mean the marriage-gift which the husband agrees to pay to his wife at the time of marriage or whenever she demands it. In Islam, "dowry" is not something which a woman owns at the time of divorce or at the time of her husband's death; it is her right which she owns immediately after marriage has been consummated.

SURPLUS OR PROFIT: In case of a wage earning person, the "surplus"

of the income means whatever remains after deducting the annual expenditure of oneself and one's dependents.

The "**dependents** of a person" mean those persons whose maintenance is your responsibility. It does not make any difference whether the maintenance of these persons is obligatory on you (like wife, children and parents) or not obligatory (like a relative, a friend or an orphan).

In case of a business person, the **"profit"** means whatever remains after deducting the annual business expenses which includes the person's salary.

C. THE DEDUCTIBLE EXPENSES

The expenditure which is to be deducted from the income is of two types: household expenses, and commercial expenditure.

1. THE HOUSEHOLD EXPENSES

(a) The Eligible Deductions:

i. The items:

The deductible household expenses include food, drink, accommodation, transportation, furniture, marriage expenses, medical expenses, payment of sadaqah, hajj, ziyarat, gifts, donations and charity, paying debts, legal penalties, wages of servants, insurance premiums, the amount deducted from your salary for mandatory provident fund or for mandatory pension plan, income tax, etc.

In case of **"paying debts",** only the debts for the essential needs can be deducted from the income, not the payment of loan or debt which is for expanding the business, etc. In the latter case, first one has to pay khums from the surplus of the income and then pay such debts from the remaining 80%.

The premiums paid for "permanent **life insurance**" cannot be counted as deductible expenses, rather it is a type of "saving" which will be paid either to the insured person himself (at the maturity of the policy) or to his heirs (in case of his death before the maturity). Like all the other savings, such insurance premiums are liable for khums.

But the premiums paid for most of the **other insurances** like car, fire,

medical and protection insurance can be counted as deductible expenses and deducted from the annual income.

In case of **mandatory pension**, you will count it as part of your income whenever you get it, and then pay khums if you save anything from it in that year.

However, the non-mandatory **"retirement saving plan"** is just like life insurance -- you have to pay khums on the money that you set aside that year for your retirement saving plan. If you invest a large sum in such plans and thus find yourself without enough liquid asset to pay khums, then you should work out an installment plan to pay khums in a few months time.

ii. Is there a limit in household expenses?

All these household expenses differ from person to person. The manner and amount of the expenditure should be considered according to the needs and status of the person himself.

For example, if a person's annual income is $ 20,000 and his needs and status require him to spend $ 10,000 on his annual household expenses, but he exceed his limit and spends $ 15,000 -- then he must pay the khums on everything over $ 10,000.

However, if he lives meagerly and only spends $ 7,000, then he must pay khums on everything over $ 7,000. If his total income and his needs are equal, then there is no khums on him.

iii. Can I deduct for the loss in household items?

If the loss is in an item which is neither for trade nor for household consumption, then you cannot provide compensation from your income before paying khums.

However, if the loss is in an item which is part of the household consumption (like furniture or clothes), then you are only allowed to replace those items by new ones or to repair them and count the cost of replacement or repair in the annual expenses.

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(b) Rules On Household Expenses:

i. Two sources of income:

One is permitted to deduct the household expenses from the income even if he has some other wealth which is not liable for khums.

For example, Ahmad's annual expenditure is $ 10,000. He inherits $ 10,000 from his father, and he also earns $ 20,000 during that year. He has the option of either using the $ 10,000 inherited money for his expenditure and pay the khums from the entire $ 20,000 which he earned that year; or deducting the $ 10,000 for his annual expenditure from his income, and pay khums from the remaining $ 10,000 which is the surplus of the income. The $ 10,000 dollars which Ahmad inherited is not liable for khums.

ii. New unused household items:

All new items that have not been used (even once) by the end of your khums year must be counted as your savings.

For example, Ahmad has fixed the 30th of June as the end of his "year". On that day he realizes that he still has, for example, 10 k.g. sugar, 5 k.g. salt, 20 k.g. rice which has not been used in the "previous year". In such a case, he cannot deduct the price of these remaining food stuff from the profit or the income of that year. He can only deduct the price of the food which had been consumed in the year which ended on 30th June. Therefore, these food items must be included in calculating his annual savings.

iii. An earning woman:

It is wajib on an **earning woman** to pay khums from the surplus of her income if she is the provider of the family. If her husband or father is the provider, then she has to pay khums from the entire amount of her income which is in excess to her own expenses.

If a **non-earning woman** gets some wealth from her husband or from any other person, then it is wajib to pay the khums from it provided it is more than her annual expenses. This does not apply to dower or inheritance which is not liable for khums.

iv. Income of a dependent:

The same applies to the income of the person whose expenses are provided by someone else. For example, an earning person whose expenses are being provided by his father; he has to pay khums from the surplus of his income.

v. Two income family:

If the husband and wife both are earning, and both of them contribute in the family expenditure, then practically khums has to be paid by calculating the total income and then deducting the total expenditure of both of them collectively. (In theory, the amount spent by the wife on household expenses will be considered a gift to the husband -- who is Islamically responsible for family maintenance -- and thus his income, and consequently his khums, will increase.)

vi. A minor's income:

Khums is not wajib on a non-*baligh* child (boys become baligh at completion of fifteen lunar years and girls at completion of nine lunar years) or an insane person. So if a non-baligh or an insane person gets any wealth which is more than his or her annual expenses, then there is no khums on that wealth at that time or at the time when he or she becomes baligh or sane respectively; or for that matter, it is not wajib even on their guardians.

vii. Family allowance:

In many western countries, the parents get financial allowance for their child/ren from the government. Is this income eligible for khums? Such a parent has two options:

Either the parent spends the money for the child's maintenance; in this case, the family allowance has to be included in the income of the parent and counted accordingly.

Or the parent keeps the money aside for the child. In this case, it is not eligible for khums. However, if the child is *baligh*, then khums has to be paid on the allowance if it is not used by the end of the year.

viii. Khums in a person's estate:

If a person dies before the end of his fiscal year, then how is his estate to be divided? First, his heirs should deduct his expenditure of that year up to the time of his death from his legacy. Then pay khums from the surplus of his remaining income. Only then can the heirs take their shares from the estate.

If the heir knew that the deceased had not paid khums from his estate, it is precautionarily wajib on them to pay the khums before dividing the estate.

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2. THE COMMERCIAL EXPENSES

(a) The Deductible Expenses:

This covers every expenditure in the way of business: wages or salaries of the employees, rent, insurance premiums, taxes demanded by government, purchasing machines and the expenditure of their maintenance, etc.

(b) Rules On Commercial Expenditure:

i. Investment capital:

If a person who **needs** a capital to sustain himself and his family gets a capital, then:-

- if the capital is **not more** than his annual expenditure, then he can use that capital to trade with, and there is no khums on it. For example, Zayd the needy gets $ 10,000 as gift from a friend and his necessary annual expenses are $ 11,000 -- then, there is no khums on that amount if he uses it as a capital for trade, etc.

- if that capital is **more** than his necessary annual expenses (for example, if Zayd got $ 15,000), then he may use the capital only after paying the khums from the amount which is more than his annual expenses (in the above example, on $ 4,000).

If such a person is **not in need** of the capital, then he can use that amount

to expand his already-existing business or to earn extra income only after paying khums from the entire amount.

ii. Increase in by-product of a khums-free commodity:

If someone has an item which is not liable for khums (or, if liable, it was paid) and there is an increase in it in form of by-products, then it is wajib on him to pay khums from the by-products of that item. And, in this case, it does not matter whether the by-product was a "separate by-product" like calf and milk of cow, wool of sheep or "connected by-product" like fruits on a tree.

iii. Increase in market value of a khums-free commodity:

If the market value of a commercial commodity increases, without any increase in its by-product, then:-

- if he had bought it **for business**, then it is wajib to pay khums from the increased value provided it stays 'increased' till the end of the khums year;

- if he had bought it, but **not for business** purpose, then it will become wajib to pay khums from the increased value only when he sells it.

- if he has not bought it but came to own that item by **inheritance**, etc., then khums is not liable on its increased market value even if he sells it.

iv. Depreciation in or loss of a commodity:

If there is a decrease in the capital, one is permitted to make it up by deducting that amount from the profit of that year before paying khums. So this adjustment for depreciation can be regarded as the "expenditure of commercial production" on which khums is not liable.

(Someone buys a commodity for business, then its market value increases during the year and he does not sell it due to negligence or in anticipation of further increase in its price, then by the end of the year its price again decreases to the same value -- then there is no khums on previously increased value. But, as mentioned in No. iii above, if the increase in its market value remains the same up to the end of that year, then he has to

pay the khums from its increased value.)

v. Compensation for the loss:

Can one deduct the compensation for the losses of his property from the annual profit or income and count it as a part of his "annual expenses"? If the insurance does not compensate the loss, then there are three possibilities:-

- if the loss is in an item which is a part of goods for trading and the trading is restricted to one type of commodity, then one is allowed to provide compensation for the destroyed goods from the profits before paying the khums. For example, if a person's trading was limited to buying and selling of sugar and it happened that, during the year, part of it was destroyed by being sunk or he made loss on its sale, then he is permitted to provide the compensation for its destruction or loss from the profit or the income and count it in the annual expenditure.

- if the loss occurs in a commodity of a trader whose trading is not restricted to one type of commodity, then one is allowed to provide compensation from the profit before paying khums. However, it is precautionarily better not to deduct the compensation for the loss of one section of the trade from the profit of another before paying the khums.

- if the destruction or loss occurred in a trading commodity, while the trader made profit from activities outside trading such as agriculture or the like, in such a case, it is precautionarily better not to provide compensation for his trading loss from his agriculture profit before paying the khums.

vi. Selling an item on which khums is wajib:

If khums becomes liable on any item of trade, it is haram to sell it before paying its khums. However, if one sells it to a Shi`ah before paying khums, the transaction will be valid and the seller will have to pay the khums from the price of that item.

vii. Partnership with one who does not pay khums:

There is no harm in becoming partner of a person in trade or business who

does not pay khums -- *"no bearer of burden shall bear the burden of another."*(53:58)

D. I NEVER PAID KHUMS BEFORE

A person who has never paid khums in his life and then, by the grace of Allah, decides to pay khums, for such a person there are the following possibilities:-

1. It is wajib on him to pay the khums from every item which he has bought, built or planted *and* which is also in excess to his needs. For example, an apartment bought for renting purpose or a taxi for transportation business.

1. If such items are among his needs (for example, his own house or his own car) then:-

- if he has come to own these items from the profit or the surplus of the income of that **same year**, then there is no khums on them. For example, in 1965, he earned $ 25,000 and in the same year he bought a car for $ 7,000 from that income, then there is no khums on his car.

- if he has come to own these items from the accumulated surplus of **previous years**, then it is wajib to pay khums from those items also. For example, from 1960 to 1965, a person annually earned $ 20,000. Then at the end of 1965, he buys a house of $ 80,000. It is obvious that this house was not bought from the income of a single year. In this case, he has to pay khums on $ 60,000 which was definitely from the savings of the previous years.

1. If a person's income was not stable, in some years he had profited and in some he had been in loss, and he cannot determine whether he bought his various properties in the year of profit or loss -- then, such a person should explain his circumstances to the mujtahid and come to a compromise with him about the amount of khums. This can be done by personal contact with the mujtahid or by corresponding with him or his authorized representative. (Most leading mujtahids have their authorized representatives in major parts of the Shi`ah world.)

* * *

Chapter Three
THE LEGITIMATE WEALTH MIXED WITH ILLEGITIMATE WEALTH

A. DEFINITIONS

It is wajib to pay khums from a wealth which is mixed with some illegitimate wealth.

By "illegitimate" we mean anything that has been acquired by the means not permitted in the shari`ah, for example, usury, gambling or liquor business.

By "mixed" we mean that the owner is unable to distinguish the amount or the items which have come to his possession by lawful and legitimate means from those which he has acquired by unlawful means.

* * *

B. POSSIBILITIES

In such a situation, there are the following possibilities:-

1. a person who cannot distinguish the amount, the item and the owner of the wealth acquired by unlawful means from the legitimate wealth. In such a case, the only way to make his existing properties lawful is to pay khums from the entire wealth.

1. a person who knows the amount or the item possessed by unlawful means but does not the owner or owners -- then he must give that amount or item to the needy as charity *(sadaqah)* on behalf of the unknown owner. However, before giving that amount or item as *sadaqah*, it is precautionarily wajib to ask the permission of the *mujtahid*.

1. If the person knows the rightful owner but does not know the amount of the unlawfully acquired wealth, then he must come to a compromise with the owner.

1. If the person knows the amount and also the owner, then it is wajib

for him to return the unlawfully obtained property to its rightful owner.

* * *

Chapter Four
THE DISTRIBUTION OF KHUMS

A. THE TWO SHARES OF KHUMS

According to the verse of khums, this Islamic tax is for (1) Allah, (2) the Messenger of Allah, (3) the near relative of the Messenger, (4) the orphans, (5) needy, and (6) stranded traveler.

The first two shares are clear: they belong to Allah and Prophet Muhammad respectively. The third share, that of "the near relative" belongs to the infallible Imam of the time. The latter three shares belong to those of the Hashimite family who are orphan, needy and stranded traveler.

Obviously, Allah does not come in person to take His share of khums; therefore the Prophet, as Allah's representative on this earth, used to receive both his own share of khums and that of Allah. *What is to be done with the Prophet's share after his death?* The Sunni scholars are in great disagreement with each other on this issue. For example, some say that the Prophet's share (which obviously included the share of Allah) goes to the caliph who may use it as he pleases; others say it goes to the Prophet's relatives (the Hashimites); and still others say that it should go to the Muslims in general. (Ibn Rushd, *Bidayatu 'l-Mujtahid*, vol. 1 (Cairo: al-Maktabatu 't-Tijariyyatu 'l-Kubra, 1952) pp. 13-14; 377-378.)

According to the Shi`ah view, after the Prophet's death, the shares of Allah and the Prophet belong to his rightful successor. And the present rightful successor of the Prophet is Imam Muhammad al-Mahdi (upon whom be peace).

Since the Present Imam, besides owning his own share as "the near relative," is also the rightful owner of Allah's and the Prophet's shares of khums, **the first half** of khums is commonly known as *"sihmu 'l-Imam* -- the share of the Imam".

The second half of khums is for the orphan, the needy and the stranded traveler from the Prophet's family, that is, the Hashimi or, in its Latin form, the Hashimite. A Hashimite is the one who, from his father's line, is a descendent of Hashim, the great grandfather of the Prophet.

However, the Hashimites who descend from Fatimah, the daughter of the Prophet, have preference over other Hashimites. Since the descendants of Fatimah are commonly known as *"sayyid,* pl. *sadat,"* the second half of khums is known as *"sihmu 's-sadat* -- the share of the sayyids". (In non-Shi`ah parts of the Arab world, the sayyids are commonly known as *"sharif,* pl. *ashraf*").

Thus we divide the khums into two equal shares: 1. the share of the Present Imam; 2. the share of the sadat (the sayyids).

The recipients of the *sihmu 's-sadat* change all the time: an 'orphan' ceases to be legally an orphan as soon as he becomes an adult; a 'needy' ceases to be a needy as soon he becomes financially independent; and an 'stranded traveler' ceases to be an stranded traveler as soon as he reaches home.

But the recipient of the *sihmu 'l-Imam*, that is Imam Muhammad al-Mahdi (upon whom be peace), will never cease to be the Prophet's 'near relative' and his rightful successor. Therefore, his right is perpetual and will never end.

B. THE *SIHMU 'L-IMAM*

1. WHERE SHOULD THE SIHMU 'L-IMAM GO?

(a) During the Presence of the Imam:

The first half of khums is the share of the Imam. During the presence of the Imams, the *sihmu 'l-Imam* as well as the *sihmu 's-sadat* was given to them directly or to their specially appointed agents. The Imam, as the head of the sadat, was also responsible for distribution of sihmu 's-sadat among the sadat.

The Imams, since Imam Ja`far as-Sadiq's days, had also initiated the system of *wikalah* (deputyship) whose function, among other things, was to collect the khums and bring it to the Imam or distribute it according to his instructions. For example, a letter of Imam Muhammad at-Taqi (a.s.) about the financial obligations of Shi`ahs, says: "...As for the gains and

profits, it is obligatory on them [to pay khums] every year...Therefore, whosoever has anything of those [items on which khums is applicable], then he should bring it to my *wak¡l*; and the person who lives far away should try his best to bring it to my *wak¡l* even if it takes some time..." (Al-`Amili, *Wasa'ilu 'sh-Shi`ah*, vol. 6, p. 348-349.)

Did the Imams release the Shi`ahs from the obligation of khums at any time? The Imams never suspended the obligation of khums as an annual financial tax. However, there are individual cases where the Imam had exempted certain persons from the khums because of the tough economic circumstances of the time. But such exemption were for individuals and limited in time.

The fact that khums as an annual tax on the Shi`ahs in general was wajib at all times can be seen from the followings: Once a Shi`ah from Persia wrote to Imam `Ali ar-Riza (a.s.) asking to be exempted from paying khums. The Imam did not approve his request and wrote: "...And the khums is a help to us in [promotion of] our religion, [upliftment of] our family, and our followers...Do not deprive yourselves of our prayers as long as you can because paying [the khums] is the key to sustenance, the forgiveness for your sins...Was-salam." (Al-`Amili, *Wasa'ilu 'sh-Shi`ah*, vol. 6, p. 375-376.)

Muhammad bin Ja`far al-Asadi wrote to Imam al-Mahdi (a.s.). Imam al-Mahdi (a.s.) answered, "As for what you have asked about the issue of a person using our property without our permission, then he should know that whosoever does so is cursed and [on the day of judgement] we will be his opponent...And whosoever devours anything from our property [without permission], he is actually devouring fire and will surely reach the Hell." (*Ibid.*, vol. 6, p. 377.)

So khums was always wajib and collected by the Imams directly or through their *wakils*.

(b) During the Ghaybat of the Imam:

At the present time, our Imam, Muhammad al-Mahdi (upon whom be him), is in occultation; and he has not even appointed anyone as his special agent. So what should be done with his share of khums?

All *`ulama'* of our time are unanimous in saying that during the period of occultation, the share of the Present Imam must be used for the causes with

which the Imam would agree. They also believe that the best persons to know such causes are the *mujtahids*. Therefore, according to all our present *`ulama'*, *sihmu 'l-Imam* must be handed over to the most learned and trustworthy *mujtahid* or be used in the way authorized by such a *mujtahid*. The condition of religious knowledge and trustworthiness are important to guarantee the right use of *sihmu 'l-Imam.*

It is an individual's responsibility to transfer the *sihmu 'l-Imam* to the mujtahid. If it is given to the representative of the mujtahid, then the responsibility will shift from the khums-payer to the representative. (For example, if the representative looses the money before it reached the mujtahid, then the khums-payer is no longer responsible for that.)

If a trustworthy person who is not a representative of the mujtahid agrees to take the *sihmu 'l-Imam* to the mujtahid, then, in case of being lost, the responsibility will not shift from the khums-payer to that person: either the messenger should make up the loss or the khums-payer has to pay again. In the latter case, the khums-payer may request the mujtahid to exempt him for that year.

2. HOW IS THE *SIHMU 'L-IMAM* USED?

The mujtahid spends the *sihmu 'l-Imam* in the way which he thinks will be agreeable to the Present Imam Muhammad al-Mahdi (upon whom be peace). The most important causes for which the *sihmu 'l-Imam* is used presently are the following:-

1. providing the necessary expenses of the poor and needy Shi`ah Ithna-`Asharis; it may also be used by the mujtahid during natural disasters like earthquake, famine, war, etc;

1. propagating the religion of Islam to the believers as well as the non-believers;

1. providing the household and academic expenses of the *`ulama'* (the religious scholars) who dedicate their life and efforts in teaching and preaching the religion of Islam to the people.

1. providing the expenditure of religious establishments, religious schools, teachers and students.

I would not be wrong in saying that most of the *sihmu 'l-Imam* does not

even reach to the mujtahids themselves, rather it is used, with their permission, in various parts of the Shi`ah world. Many, if not most, religious and charitable works being done by the Shi`ahs in the West today are from *sihmu 'l-Imam*. (However, whether it is known or acknowledged by the public and those who use it, is a different story!)

As an example for item No. 4 above, allow me to mention the Hawza `Ilmiyya (religious education center) of Qum, Iran. In early 1980's there were at least fifteen thousand students and teachers in that Hawza. All are financed collectively by the leading mujtahids of our time. Even if we count fifty dollars monthly scholarship for the fifteen thousand students and teachers, the total monthly budget comes to seven hundred and fifty thousand dollars. The revenue for this budget is khums *and* various others charities and endowment funds.

3. *SIHMU 'L-IMAM*'S ROLE IN THE FINANCIAL INDEPENDENCE OF THE MUJTAHIDS:

The *sihmu 'l-Imam* has also played an important role in the financial independence of our great *`ulama'*. Unlike the Sunni *`ulama'* whose appointment to the position of *mufti* or *shaykhul Islam*, and their livelihood depends on the ruler of the country, the Shi`ah *mujtahids* do not have to rely on governments or other organizations for their position or their livelihood. This prevents any unwarranted influence in their *fatwas* and decision making process. A look at the political *fatwas* of our mujtahids during the last century will prove this point.

This is not to imply that the integrity of our mujtahids depends on khums; they have to preserve their independence and integrity even without khums. After all, the most important condition in a mujtahid is that he must be *`adil*, that is, pious and of upright character. If a person who has great knowledge in Islam but is not of upright character or is under the influence of a tyrant and unjust ruler, then he will not be accepted as the religious leader by the people.

Secondly, and more importantly, the amount and flow of khums has not always been the same; it depends on the overall economic well being of the Shi`ah community. When the community is in good economic condition, the khums revenue is generated satisfactorily; but if it is not in good economic condition, the khums flow is meager. Also remember that not all eligible Shi`ahs pay their khums: some out of ignorance and others out of negligence.

C. THE SIHMU '*S-SADAT*

1. DURING THE PROPHET'S TIME:

The fact that the Prophet used to give the khums to his Hashimite relatives exclusively is beyond any doubt. (At-Tabari, *Tafsir*, vol. 13 (Cairo: Daru 'l-Ma`arif, 1958) p. 553-556; Ahmad al-Jassas, *Ahkamu 'l-Qur'an*, vol. 3 (Beirut: Daru 'l-Kitabi 'l-`Arabi, 1916a) p. 61, 65; Abu `Ubayd, *Al-Amwal*, pp. 136-138.) Even the descendants of Hashim's brothers (`Abd ash-Shams and Nawfal) were excluded from the khums.

Jubayr bin Mut`im (a descendent of Nawfal) and `Uthman bin `Affan (a descendent of `Abd ash-Shams) were not given anything from the khums of Khaybar. Both came to the Prophet and complained, "O the Messenger of Allah! You have given [the khums] to Bani al-Muttalib but left us out although we and they are equally related to you." The Prophet said, "The Bani al-Muttalib and Bani Hashim are one and the same." (Bukhari, *Sahihu 'l-Bukhari*, vol. 4, p. 240; vol. 5, 375. Also see at-Tabari, *Tafsir*, vol. 13, p. 556; *al-Amwal*, p. 137.)

2. AFTER THE PROPHET'S DEATH:

Although the Qur'anic injunction about the relatives of the Prophet is very clear and is also supported by the *sunnah* of the Prophet, unfortunately, there arose a great difference of opinion among the Muslims after the Prophet's death. Obviously, the people in power did not want the Ahlu 'l-bayt to get access to the khums. This policy of depriving the Ahlu 'l-bayt of their right has continued since with a short break during the reign of `Umar bin `Abdu 'l-`Aziz who decided to give at least some of the khums to the Banu Hashim. (At-Tabari, *Tafsir*, vol. 13, pp. 556-559; al-Hakim, *Mustadrak* vol. 3, p. 442; For more references on this issue, see al-`Amili, *As-Sah¡h fi Sirah*, vol. 3, pp. 318-321.)

3. HOW IS SIHMU 'S-SADAT DISTRIBUTED?

In keeping with the Qur'anic injunction and the *sunnah* of the Prophet, the Shi`ah law says that the second half of khums is the share of the Hashimites, preferably the sayyids who descend from Fatimah (peace be upon her and her father).

The *sihmu 's-sadat* can be given to the following Shi`ah Ithna-`Ashari sayyids:-

- 1. those orphans who are poor;
- 2. those who are poor and needy;
- 3. an *ibnu 's-sabil*, that is, a traveler who has no money to continue his journey back to his home, provided his journey is not for any unlawful purpose. Khums can be given to such a sayyid to continue his journey even if he is a wealthy person in his own town.

However, it is not permitted to give khums to a sayyid whom you know will spend any of it in a sinful act. It is also better not to give khums to a sayyid who publicly leads an immoral life like drinking alcohol, etc.

* * *

You can give the *sihmu 's-sadat* to a deserving sayyid directly without channeling it through the mujtahid. According to Ayatullah al-Khu'i, you do not even need to ask for his permission in distribution of *sihmu 's-sadat*. Although Ayatullah al-Gulpaygani believes that even *sihmu 's-sadat* must be channeled through the mujtahid, he has given a general permission to all those who follow him to distribute *sihmu 's-sadat* directly.

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Chapter Five
SOME THOUGHTS ON KHUMS

A. KHUMS: A CHARITY OR A DUTY?

In our evaluation, we judge a person by his deeds. This is so because we, as human beings, cannot know the motives of the doer. But does Allah judge the people in the same way? Allah will not judge the people by looking at their deeds; He will instead judge by looking at their motives. The Qur'an says, *"Verily Allah accepts (the good deeds) only from the pious people."(5:27)*

In the introduction, we mentioned there are two levels by which Islam aims to create and preserve the economic equilibrium in society: individual and collective. Under 'individual level,' we talked about charity which is a voluntary good deed. Under 'collective level,' we talked about the taxes

which Islam has made obligatory upon the Muslims.

Khums and *zakat* come under the second category and, therefore, it should never be looked upon as an act of charity. Rather, it is a duty, an obligation which must be fulfilled whether one likes it or not. In fulfilling this obligation, you must train yourself to pay *khums* and *zakat* with the intention of seeking the pleasure of Allah. It should be done *fi sabili 'l-lah*.

We must emphasize that doing a deed is one thing but its acceptance or rejection by Allah is something else. The former does not guarantee the latter. It is the motive which will be crucial in acceptance or rejection of one's deed. To use khums, whether on a personal or organizational levels, as a leverage to promote oneself is very detrimental to the spirit of khums. I am especially concerned about the emphasis put on accrediting as 'donors' the persons or organizations who give khums for valid Islamic causes. They should take a moment to think whether the *sihmu 'l-Imam* which they are giving is owned by themselves or Imam Mahdi (upon whom be peace)? If it belongs to the latter, then why insist on getting credit for it as the donor? If any acknowledgment is to be made, should it not go to the Imam?

B. DO OTHERS ALSO GIVE KHUMS?

Another issue is that of pride, or I should say arrogance, in giving khums. There are some who give khums on a regular basis (may Allah increase their numbers), but have also become victim of *`ujb*. *`Ujb* means a sense of self-righteousness in which one looks down upon others. Such people think that they are the only ones who pay khums!

This happens because of ignorance about others. *`Ujb* does not harm anyone but its own victim. Such a person will suffer from a wrong sense of pride and will lose the most important means of spiritual development known as self-criticism.

One should be aware that every country or group of people goes through financial ups and downs. If, today, you are financially on a good footing and give khums, while others are on the receiving end -- this does not mean that those who receive khums have been the same during all times in their history! The best case in our time is India: After the British colonization of that country, in particular after its independence, the Muslims of India have gone through a very difficult financial crisis. The Shi`ahs have suffered even more. Their present plight should not be taken

as a sign that they have always been at the receiving end of charity. There was a time not long ago when the Shi`ahs of India (especially during the Shi`ite Oudh sultanate in North India) were the main financial supporters of the centers of learning in Iraq. (See, Cole, J.R.I, "'Indian Money' and the Shi`i Shrine Cities of Iraq, 1786-1850," *Middle Eastern Studies*, vol. 22 (1986) No. 4, pp. 461-480.) The Shi`ahs in the Oudh and even in the southern sultanates of pre-British India had contributed greatly to the growth of their faith and community in that part of the Muslim world.

Train yourself to give khums, zakat and charity without injuring the feelings of the recipients. Allah says, *"O you who believe! Do not nullify your charity by reproach and injury (to the recipient), like the person who spends his wealth to show it to the people..." (2:264)*

* * *

C. KHUMS DEPENDENCY SYNDROME

I would also like to express my thought about the attitude which some of our religious organizations in Europe and North America have adopted to the issue of khums. The Shi`ahs in India, Pakistan and East Africa have built many religious centers in their countries. After migrating to the West, it is pleasing to note that they carried on the tradition and have built religious centers in their adopted homelands.

However, there is one important difference between the immigrant Muslim communities in the West and their ancestors in Asia and Africa. The latter built the centers mainly by the contributions made from their own money. Whereas the former have to large extent built their centers with the khums fund. I do not want to imply or suggest that the use of khums for such purposes is not right; but I am worried about the habitual dependency on khums by our organizations. I have named this mentality as "the khums dependency syndrome". Whenever we think of a worthwhile project, we immediately look at the *sihmu 'l-Imam* as the first and the main source for financing that project. This is not to deny that often the local resources are not sufficient. But it seems to me (and I pray to Allah that I be wrong) that we are gradually forgetting how to give from the remaining 80% of our excess wealth towards worthwhile causes, and are getting into the habit of depending on khums!

* * *

D. THOSE WHO DO NOT PAY THEIR DUES AS SEEN BY IMAM `ALI (A.S.)

Some Shi`ahs take the issue of paying khums lightly; they think that giving some money in charity from time to time absolves them of their duty. Such Shi`ahs apparently do not realize that not paying *khums, zakat or fitrah* (which are obligatory dues) amounts to misappropriation of the money which rightfully belongs to the Imam (peace be upon him) and the needy, orphan and poor people.

To get the feeling of how Imam `Ali (peace be upon him) looks upon the misappropriation of such funds, I would like to quote some parts of a letter which he wrote to one of his officers about the latter's misappropriation of the public fund. While reading the letter, keep the fact in your mind that the officer addressed in this letter was apparently a cousin of Imam `Ali (a. s.). I would specially like to draw the attention of the respected *wakils* of the mujtahids of our time to this letter.

Imam `Ali bin Abi Talib wrote:

"As soon as it was possible for you to misappropriate the *ummah's* trust, you hastened to turn around and attack (them), and made a swift leap to snatch away whatever you could from their property meant for their widows and their orphans as a wolf snatches a wounded and helpless goat. Then, you happily loaded it off to Hijaz without feeling guilty for having misappropriated it...It was as though you were sending to your family what you had inherited from your father and mother!

"Glory be to Allah! Do you not believe in the Day of Judgement, or do you not fear the exaction of account? O' you who were considered by us among the men possessed of mind, how can you enjoy food and drink when you know that you are eating the unlawful and drinking the unlawful. You are... marrying women with the money of the orphans, the poor, the believers and the *mujahidin* to whom Allah has dedicated this money...Fear Allah and return to these people their properties. If you do not do so and Allah grants me power over you, I shall excuse myself before Allah and strike you with my sword with which I did not strike anyone but that he went to Hell.

"By Allah, even if Hasan and Husayn had done what you did there would have been no leniency with me for them and they could not have won their way with me till I had recovered from them the right and destroyed the

wrong produced by their unjust action. I swear by Allah, the Lord of all beings, that I would not be pleased to regard the people's money which you have appropriated as lawful for me and to leave it to my successors by way of inheritance.

"Mind yourself and consider for a while as though you had reached the end of life and had been buried under the earth. Then your actions will be presented to you in the place where the oppressor cries 'Alas' while he who wasted his life yearns for return (to the world), *but time was none to escape.* (38:3) " (Razi, *Nahju 'l-Balaghah*, Letter No. 41.)

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